

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6462

BILL NUMBER: HB 1016

DATE PREPARED: Nov 19, 2001

BILL AMENDED:

SUBJECT: Driver's License Privileges.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill: 1) provides that if a court recommends suspension of a person's driving privileges and the person has no earlier conviction of operating while intoxicated or has only an earlier conviction that occurred at least ten years before the offense under consideration, and the person did not refuse to submit to a chemical test, the court may grant probationary driving privileges; 2) provides that if a person has been convicted twice in a ten-year period of operating a vehicle or a motorboat while intoxicated, the court shall order each motor vehicle owned or leased by the person to be equipped with a functioning certified ignition interlock device, and if the court grants probationary driving privileges, the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device; 3) makes it a Class B misdemeanor if a person knowingly or intentionally authorizes or permits a motor vehicle to be driven by a person whose driving privileges have been suspended and who does not have probationary driving privileges; 4) requires a 30-day driver's license suspension for a person convicted of this crime; 5) makes it a Class B infraction if a person fails to equip each vehicle owned or leased by the person with a functioning certified ignition interlock device within 10 days after an order by the court; and 6) makes conforming amendments.

Effective Date: July 1, 2002.

Explanation of State Expenditures: *Parts 1, 2, and 6* will have no fiscal impact.

Part 4: 30-day driver's license suspension.

The Bureau of Motor Vehicles (BMV), will suspend the license under their current suspension procedures; therefore, this part will also have no fiscal impact.

Explanation of State Revenues: *Parts 3 and 5 Penalty Provisions*

This proposal provides for both a Class B misdemeanor and a Class B infraction.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the State General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. The maximum judgment for a Class B infraction is \$1,000 which is deposited in the state General Fund.

If the case is filed in a circuit, superior or county court, 70% of the court fee that is assessed and collected when a guilty verdict is entered would be deposited in the State General Fund. (The court fee is \$120 for misdemeanor cases and \$70 for infractions.) If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered for a misdemeanor, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the court fee that is assessed in a court of record. (The court fee is \$120 for misdemeanor cases and \$70 for infractions.) Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Bureau of Motor Vehicles.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: